

**Notice of Allowability**

Application No.

09/597,742

Applicant(s)

BETTIS ET AL.

Examiner

Art Unit

Narayanswamy Subramanian

3624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/16/2005.
2. ☒ The allowed claim(s) is/are 21-31, 33-39, 128, 130 and 131.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 5/16/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to the amendment filed on May 16, 2005.

Amendments to claim 21, 128 and 130, cancellation of claim 32 and addition of claim 131 been entered. Claims 21-31, 33-39, 128, 130 and 131 are pending in the application.

#### ***Examiner's Comment - Drawings***

2. Figures 5, 6a and 6b are not legible for printing. Legible copies of these figures are required before payment of issuance fees.

#### ***Allowable Subject Matter***

3. Claims 21-31, 33-39, 128, 130 and 131 are allowed.
4. The following is an examiner's statement of reasons for allowance:
5. The closest valid prior art (Fox US Patent 5,132,899) discloses computer implemented methods and a computer implemented system for use in producing a ranked list of investors according to an evaluation of the investors' performances relating to at least one transaction made by the investors involving investments associated with the investors, including the steps of retrieving a list of investors, generating an evaluation list by removing investors failing to meet predetermined criteria from said list, calculating a performance score for each investor listed on said evaluation list indicative of the investor's performance by considering an average historical performance of an investment following a transaction by the investor and a historical consistency of the investor's performances with respect to transactions involving the at least one investment and calculating, for each investor using said performance scores, a third data indicative of the investor's relative performance with respect to all investors on said evaluation list.

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Even though, the prior art teaches methods for performing the above-mentioned steps, the prior art of record fails to teach computer implemented methods and a computer implemented system for use in producing a ranked list of investors according to an evaluation of the investors' performances relating to at least one transaction made by the investors involving investments associated with the investors, including the steps of generating an adjustment to the conditional raw score by utilizing a total number of transactions occurring more than or equal to a first period of time before said evaluating, and said total number of transactions occurring more than or equal to a second period of time before said evaluating and generating a raw score indicative of said investor's performance by adding said adjustment to a conditional raw score. For these reasons claims 21, 128, 130 and 131 are deemed to be allowable over the cited prior art, and claims 22-31 and 33-39 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Melnikoff (US Patent 5,784,696) (July 21, 1998) Methods and Apparatus for Evaluating Portfolios Based on Investment Risk

(b) Fried (US Patent 6,035,286) (March 7, 2000) Computerized System and Method for Creating a Buyback Stock Investment Report

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© Chennault (US Patent 5,930,774) (July 27, 1999) Method and Computer Program for Evaluating Mutual Fund Portfolios

(d) Basch et al (US Patent 6,119,103) (September 12, 2000) Financial Risk Prediction Systems and Methods Therefor

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian  
September 18, 2005



HANI M. KAZIMI  
PRIMARY EXAMINER